

**Review Topic: Roads**

<b>Comment Letter Number</b>	57	
<b>Submitted by</b>	Washington Forest Law Center/NWEA	
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<b>Date</b>	3/20/2014	
		<b>Information Source/Citation</b>
57-S	The best way to prevent a road from sliding once it has been constructed is to de-commission the road so it no longer poses a risk to downslope waters. Oregon only requires operators to block the road to prevent vehicular traffic and to take all reasonable steps to leave the road "in a condition where road-related damage to waters of the state is unlikely." If an operator takes minimal steps to vacate a road, they will not be subject to enforcement if the road later slides into a stream and impairs water quality.	OAR 629-625-0650(2).
57-U	Across most of the country, the oldest, most harmful logging roads continue to deliver sediment into streams and rivers (Endicott, 2008). Oregon's rules do not address forest roads that are not associated with active logging	See Endicott at 118-19
	Many forest roads formerly used for logging have never been upgraded to comply with today's standards	Glen Spain, Dam, Water Reforms, and Endangered Species in the Klamath Basin, 22 J. Env'tl. L. & Litig. 49, 65 n. 60, 83-84 (2007)
	A detailed evaluation and recommendations for improvement to the Oregon FPA with regard to roads can be found in a report prepared by Oregon's Independent Multidisciplinary Science Team ("IMST") in 1999	<i>Recovery of Wild Salmonids in Western Oregon Forests: Oregon Forest Practices Act Rules and the Measures in the Oregon Plan for Salmon and Watersheds.</i> (Technical Report 1999-1 to the Oregon Plan for Salmon and Watersheds, Governor's Natural Resources Office, Salem, Oregon.) located at <a href="http://www.fsl.orst.edu/imst/reports/1999-1.pdf">http://www.fsl.orst.edu/imst/reports/1999-1.pdf</a>

57-V	Oregon has not provided a sufficient description of the measures landowners use to reduce impacts from forest roads or sufficient data supporting a claim that those measures are effective.	Frissell Declaration at 37-38, ¶ 69
	There is widespread nonpoint source pollution from forest roads in Oregon's coastal areas,	Frissell Declaration at 38-39, ¶71
	There is a lack of standards, benchmarks, and monitoring in Oregon's road program	Frissell Declaration, at 39-40 ¶ 72
	Oregon has adopted no watershed-scale measures of road system condition to establish a benchmark for acceptable conditions for salmon persistence and survival, water quality, and other water resources. This curtails the state's ability to measure progress toward water quality compliance/ beneficial uses/ salmon recovery	Frissell Declaration at 45 ¶ 82
	logging and road building [in Oregon state Forests] continue in landslide prone areas, and the road system continues to contribute sediment to fish bearing streams either through hydrological connections, mass wasting events, or both	
57-W	Much of the road system in the Tillamook and Clatsop State Forests also contributes to water quality problems because it was constructed decades ago to old construction standards	(ODF, Forest Grove AOP, 2013: 12) ("The district's primary road network is an established system that has been in place for about twenty years."

	These logging roads often were <i>intentionally designed to discharge stormwater directly into streams</i> – using ditches, channels, and culverts to move stormwater off the road and into the existing stream network. Consequently, a significant amount of the road network in most watersheds with state forests remains hydrologically connected to streams	Wemple et al., 1996; Rhodes and Huntington, 2000.
	Most forest roads in Oregon’s state forests were constructed prior to the new state rules	(ODF Issue Paper, 2000).
	Many of the [Forest Grove] district’s main roads (collectors) were originally built as railroads and then converted to truck roads in the 1940s and 1950s to standards considerably less stringent than those applied today. These roads were originally often constructed with inadequate drainage systems, poor surfacing, and little regard for slope stability and fish passage”	(ODF, Forest Grove AOP, 2013:12
	The impacts from the logging, hauling, and road related activities that ODF plans, authorizes, and carries out harm Oregon coast coho and its habitat by increasing sediment delivery to streams and reducing input of large woody debris, all in violation of Oregon’s water quality standards	75 Fed. Reg. at 29,500
	Other areas that need to be addressed both within and beyond the boundaries of the western Oregon lowlands include roads and sediment, large wood, fish passage, pesticides, and nutrient inputs to streams. We conclude that management practices must be considered on a large spatial scale, among agencies, and across different land uses	Recovery of Wild Salmonids in Western Oregon Lowlands, Technical Report 2002-1 (July 15, 2002). Also referred to as IMST Agriculture Report at 3-4, 28, 30, 35
	“[r]oads and landslides increase the amount of fine sediment in streams, but do not always add the more coarse elements...the scientific basis for managing sedimentation from roads and landslides is difficult but “the concepts are known and provide a basis for reasonable conjecture on how to proceed.”	IMST Forestry Report at 2